IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 994 OF 2007

The Chairman
Youth Development Credit.... Petitioner

versus

Tanaji Balasaheb Patil ..... Respondent.

sShri K.S.Patil for the petitioner
Shri M.S.Topkar for respondent.

CORAM; A.P. DESHPANDE, J.
DATED; 27TH JUNE, 2007

P.C.;

1. Rule. Rule made returnable forthwith. By consent of parties taken up for final hearing.

2. The respondent was working as a clerk with the petitioner credit society since 1994. The respondent was terminated from service from the month of May 2001 and aggreived thereby he had approached the Dy. Commissioner of Labour and on failure of the conciliation, reference came to be made under section 10 read with sec. 12 of the Industrial Disputes Act. The Labour Court has allowed the reference and directed the petitioner to reinstate the respondent with continuity of service and full backwages with effect from 24-10-2001 till the date of reinstatement. The order to the extent it relates to grant of

reinstatment is concerned, the same was complied with and the respondent came to be reinstated pursuant to the order dated 2-3-2007 passed by this court. The dispute that remained to be resolved was only in regard to the backwages for the reason that the petitioner has no objection to the grant of continuity. A jointly executed statement in the form of a pursis is placed on record of the petition, which is taken on record and marked as 'X' for identification, wherein it is stated that the petitioner would pay and the respondent will accept an amount of Rs. 60,000/- towards full and final settlement of all claims towards the backwages awarded by the labour court. The amount of Rs.60,000/- has to be paid after deducting the respondent's contribution to the Provident Fund within a period of two months from today. In this view of the matter, the award passed by the labour court shall stands modified to the extent it directs payment of full backwages from 24-5-2001. Instead of full backwages the respondent shall be entitled to receive a sum of Rs.60,000/- as referred to hereinabove towards full and final satisfaction of all his claim towards backwages. The award passed by the labour court stands modified to the above extent. Writ petition is partly allowed. Rule made absolute in the above terms.

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